The Idaho Courts Annual Report For 1987

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Sheriffs, Judges Reach Accord

COURT SECURITY GUIDELINES RECOMMENDED

It's hard for people in Ada County to ignore the issue of court security. That's because they can't enter the Ada County Courthouse without passing through a full-size metal detector, just like those found at most of the nation's airports. While no one's likely to hijack the County Court Building, a growing number of violent incidents in the nation's courtrooms has made judges and court officials everywhere more concerned about preventing violent confrontations.

During 1987, a committee of sheriffs and judges agreed on a number of recommendations which promise to improve court security in state courthouses. Those recommendations also put an end to a minor turf battle, and strengthened a partnership between judges and local law enforcement personnel, bringing security in Idaho courthouses more in line with modern-day needs.

Turf Battle Erupts

A number of forces had combined to make the provision of court security services a public issue in Idaho in 1987. Reflecting concerns in other states about adequate security in state court facilities, a number of courts had hired, or were considering hiring, independent court security staff, sometimes called "marshals," or "bailiffs." These new court personnel brought with them the need for professional law enforcement training, as well as concerns about liability.

At the same time, county sheriffs were perceiving expansions in court security personnel as an encroachment on their bona fide law enforcement responsibilities. The use of court marshals to serve warrants and make arrests outside of county courthouses was viewed by some as a threat to the constitutional authority of the sheriff.

Statewide Committee

In June of 1987, Idaho Attorney General Jim Jones offered an opinion on the situation. He found that, while sheriffs have the primary responsibility to provide security services to the courts, judges also have a role, and recommended that court and county officials work on legislation to define responsibilities and satisfy liability concerns. Sheriffs and judges agreed. "There are no clear cut lines of authority or responsibility," said Ada County Sheriff Vaughn

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HIGHLIGHTS

Appellate Filings Set Record

Appeals up 10% over 1986.

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DUI Report

Fewer cases, but more felonies.

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344,414 New Cases Filed

Traffic cases lead trial court increases.

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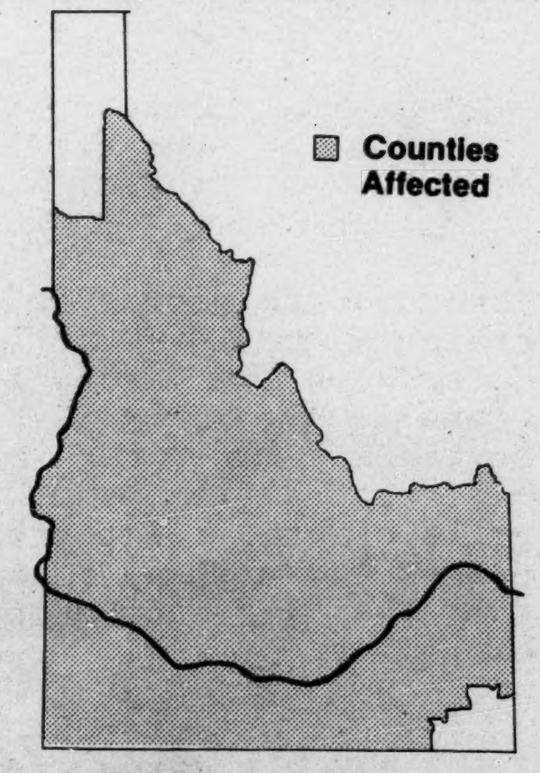
District Judge Order Kicks Off Water Rights Contest

SNAKE RIVER CASE LAUNCHED

When Fifth District Judge Daniel C. Hurlbutt signed an order on November 19, 1987, it wasn't routine: the order began arguably the largest, most complex and expensive proceeding in state court history. Called a "commencement order," it gave notice that the state courts would begin determining all of the water rights connected with the Snake River and its tributaries--water systems which touch 38 of Idaho's 44 counties, and comprise 43 separate sub basins.



The Snake River water rights case, technically called an "adjudication," grew out of a 1985 agreement between the state and Idaho Power Company, over water rights upstream from the Swan Falls Dam, which resulted in legislation mandating the proceeding. The Snake River is the lifeblood of southern Idaho's heavily irrigated farm belt,

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Work Up, Delays Down

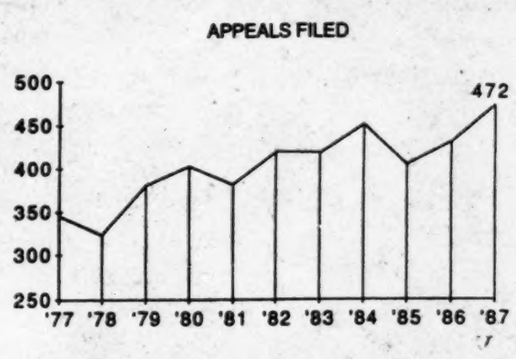
APPELLATE FILINGS REACH RECORD LEVELS

A benchmark for appellate filings was reached during calendar year 1987--a total of 472 new appeals were filed.

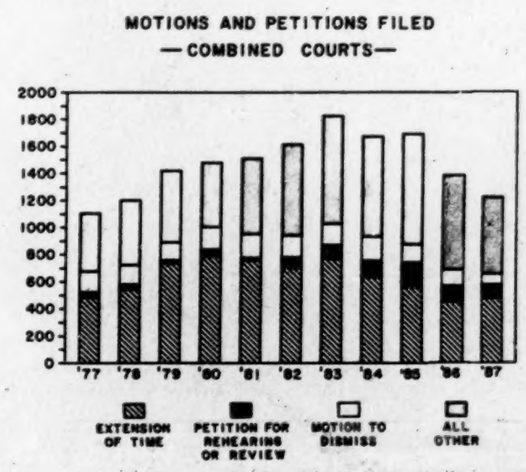
Since the middle 1970's, there has been a sustained growth in appellate filings. The 472 new filings reported during 1987, exceed the previous record--451--reported at the end of 1984, by nearly 5%. From just one year ago, filings have increased by nearly 10% over the number reported at the end of 1986.

National research experts have reported that appellate filings are sensitive to fluctuations within the economy. Improvements in the economic picture, often signal increases in appellate filings, although the research reports a 2 to 4 year lag between economic improvement and appellate filing increases. If such research is valid, and if the state's economy continues to improve, Idaho may see future appellate filings at comparable levels to the record numbers reported during 1987.

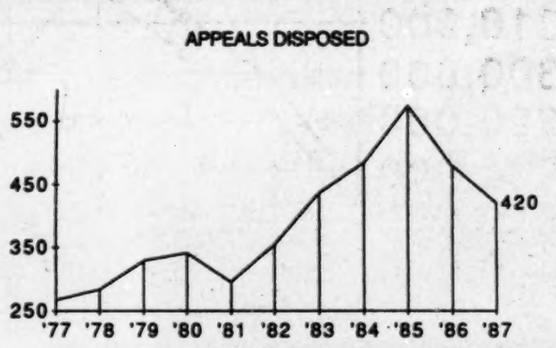
For the second consecutive year, petitions and motions decreased in 1987. During 1987, 1,316 new



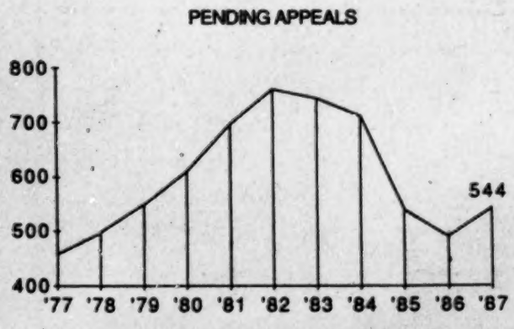
petitions and motions were filed with the appellate courts. The courts ultimately disposed of 1,323 petitions and motions. The number of petitions and motions filed during 1987 was 28.3% less than the 1983 record total of 1,836. Also filed with the court during 1987, were 24 original proceedings and 11 attorney discipline matters.



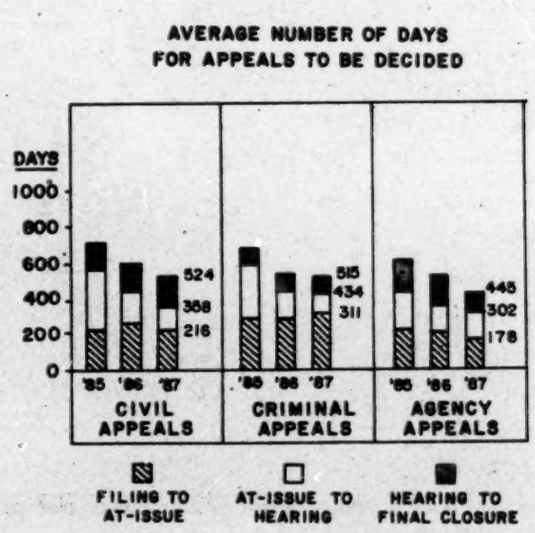
In calendar year 1987, the Supreme Court and Court of Appeals together disposed of 420 appeals. The Supreme Court disposed of 108 appeals by majority opinions, while the Court of Appeals disposed of 169 appeals by majority opinion.



In response to the record appellate filings reported during 1987, the total number of appeals pending before the Idaho appellate courts increased for the first time since 1982. At the end of 1986, there were 491 pending appeals. One year later, the number of pending appeals had increased to 544. Still, the number of pending appeals reported at the end of 1987 stands below the number recorded eight years ago.



In spite of the substantial increase in filings and commensurate rise in the pending caseload, litigants involved in appeals before the Idaho Supreme Court and Court of Appeals continued to see their appeals resolved in considerably less time. During 1987, it took an average of 551 days from the time an appeal was filed with the Supreme Court until it reached final disposition. Cases assigned to the Court of Appeals took an average of 493 days to reach final disposition. Overall, the Idaho appellate courts have cut appellate delay by almost a full year from 1984's average time of 872 days.



For the second year in a row, both Courts are current hearing oral arguments, and have eliminated totally the backlog of cases awaiting hearing. Once an appeal is fully briefed and ready to be argued, both the Supreme Court and Court of Appeals can immediately set that appeal for oral argument.

ON THE RECORD

"Most people come to court with a clear sense of right and wrong, but their arguments don't fit the law."

--Latah County Magistrate Judge William Hamlett, on the trials of a small claims judge.

"Because the people selected by the Magistrates Commission will spend their whole careers on the bench, they will spend more years in public service than most public servants, including the members of the Magistrates Commission. For that reason, it is of utmost importance that the Magistrates Commission select the best person for the job on a non-partisan, merit basis."

--Introduction to the Standards for Recruitment and Selection of Magistrate Judges.

"My only agenda is justice and the law."

--Supreme Court Justice Byron Johnson, on his appointment.

THIS YEAR IN THE COURTS

SNAKE RIVER ADJUDICATION
Potentially biggest case ever starts with District Judge order.

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MAGISTRATE SELECTION STANDARDS SET
Statewide standards cover recruitment, selection and evaluation of new judges.

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TRIAL COURT DELAY REDUCTION CONTINUES
Cases over time standards cut by 45%.

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COURT AUTOMATION ON TARGET
Computer system to get Minidoka County test.

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But Increase is Slight

TRIAL COURT FILINGS REACH NEW HIGH

With some sections of Idaho's economy showing signs of improvement, trial courts around the state of Idaho continue to report a booming business. Filings reported during calendar year 1987 reached the highest level in history--344,414 new cases.

While 1987 filings set a record, they were not much ahead of last year. Following a 4% rate of increase in 1986, new cases coming into the state courts increased by a mere 3/10ths of 1% in 1987, to 344,414, as compared with 343,171 new filings in 1986.

Growth Patterns Change

During the decade of the 1970's, new cases had been filed in the Idaho courts at an almost uniform 4-5% annual increase. State officials became accustomed to predictable growth and responded accordingly, by building new courtrooms and adding more judges to accommodate heavier workloads.

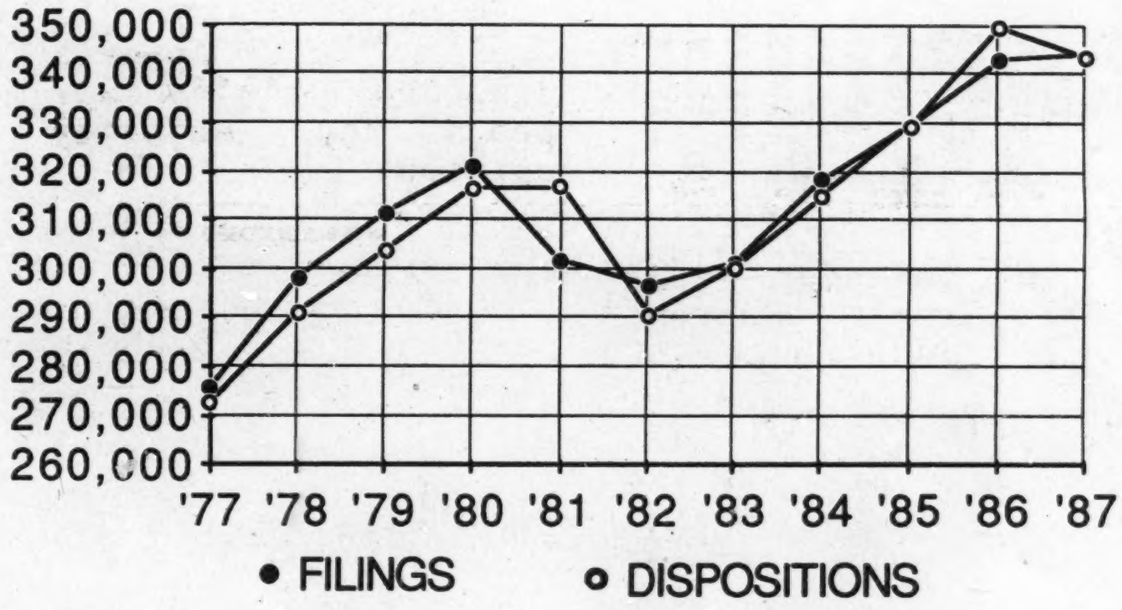
The growth in trial court business had a number of contributing factors during the 1970's including the sharp growth of Idaho's population and the increased number of attorneys admitted to practice. Between 1970 and 1980, the state's populations grew by 32% from 713,015 to 943,935, and the number of attorneys almost tripled, from about 600 to 1,540.

The substantial case filing increases reached their peak in 1980, when 321,517 cases were filed with the trial courts. However, trial court filings took a sharp turn down in 1981 and 1982. This significant decline in filings may have reflected the economic recession that struck Idaho in the early 1980's. This decline in filings only lasted two years and 1983 marked the beginning of a new trend of increased filings.

Since 1982, the trial courts have seen their filings increase each year: in 1982, only 296,733 cases were reported filed. But by 1987, that total had risen to 344,414 new cases, a 16% increase over the 1982 total.

While the trial court caseload increases of the 1970's took place during sharp population and economic growth, the increased filings reported since 1982 have come during a period when Idaho has actually lost population and has been suffering economic stagnation as a result of its resource-based economy. This suggests that court business is affected by more complex factors than just population and the state economy.

CASE FILINGS AND DISPOSITIONS IN TRIAL COURTS



Winners and Losers

Traffic cases (not including DUI) reached record levels during 1987. Calendar year 1980 held the previous record for traffic filings--218,373. At the end of 1987, a total of 220,293 traffic cases have been filed in the trial courts, representing an increase of 1,920 more traffic filings than the number reported at the end of 1980.

Civil filings in the district courts dropped off dramatically during 1987. At the end of 1986, district court civil filings were at record levels. However, in the 12 months since, district court civil filings are down by 6% or 344 filings. The number of district court civil cases stands at its lowest point this decade. This drop in civil filings runs counter to national experts who predicted record civil filings to continue through the end of the decade. As with the district court, civil filings in the magistrate division dropped for the second year in a row. At the end of 1987, a total of 45,073 civil matters had been filed with the magistrate division. That represents a drop of 4.8% from the number reported at the end of 1986.

Idaho's small claims departments also witnessed a substantial drop in the number of new complaints filed from the number reported at the end of 1986. A total of 15,643 small claims complaints were filed in 1987--a 10% decrease from the 1986 total of 17,366. Although Idaho does not allow attorneys or collection agencies to file small claims, small businesses and private individuals continue to utilize the small claims departments as a quick, inexpensive way to collect debts.

In spite of substantial drops in civil filings, overall district court caseloads continue to increase. During 1987, a total of 10,486 cases were filed in the district courts, as compared with 10,399 in 1986. The reason: criminal cases continue to rise. During 1987, a total of 4,996 criminal cases were filed with the district court, representing an increase of 9.3% over the number reported at the end of 1986. Two types of criminal cases which showed substantial increases: felony drug cases, which were up 32%, and felony DUI cases, up 92% over the number reported at the end of 1986.

Dispositions Fall

Following a year of intense efforts to clear calendars of cases that required little judicial involvement to resolve, the trial judges in the state of Idaho reported that their caseloads now included cases that required substantial judicial time and effort to conclude. As a result, trial court dispositions dropped from a high of 349,806 reported at the end of 1986, to 343,569 one year later.

Not unexpectedly, the number of cases pending in the trial courts increased by a slight 1.2% in 1987, to 47,343, from the 46,737 pending cases reported in 1986.

The average number of new cases filed per district judge in the state in 1987 was 317 cases, while the average for judges of the magistrate division was 4,770 new cases. This compares with new case filings in the prior year of 315 per district judge, and 4,754 new cases per magistrate judge. The district judges disposed an average of 332 cases per judge during the year, while the judges of the magistrate

(Continued on page 4)

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ON BEHALF OF THE SUPREME COURT OF IDAHO
Chief Justice Allan G. Shephard

Justices: Robert E. Bakes, Stephen Bistline, Robert C. Huntley, Jr., Byron Johnson

BY THE ADMINISTRATIVE OFFICE OF THE COURTS

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